

Hearing Date: December 13, 2023
Hearing Time: 10:00am

Todd S. Cushner, Esq.
Law Offices of Cushner & Associates PC
399 Knollwood Rd
White Plains, NY 10603
(914) 600-5502
todd@cushnerlegal.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re.

Chapter 7

JAANA COLANGELO

Case No. 23-22355-shl

Debtors.

-----X

APPLICATION FOR LEAVE
TO WITHDRAW FROM REPRESENTATION

To: THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

Respectfully, the Law Offices of Cushner & Associates PC (hereinafter the “Applicant”), counsel of record for Debtors Janna Colangelo (“Debtors”), as and for its application to withdraw as counsel for the Debtor represents and shows to the court as follows:

1. On May 09, 2023 the Debtors filed a voluntary petition (the “Petition”) for relief under chapter 7 of the Bankruptcy Code, in the United States Bankruptcy Court for the Southern District of New York. The United States Trustee appointed Howard Magaliff as the trustee to this matter pursuant to section 702(d) of the Bankruptcy Code. Mr. Magaliff has been, and is, acting as such (the “Trustee”).

2. On June 15, 2023 a Meeting of Creditors was held with Trustee Magaliff. The Meeting of Creditors was left open and adjourned to a later date.

3. No complaints objecting to discharge or to determine the dischargeability of any debt have been filed in this case. No creditor has filed a claim in this case.

4. An adversary complaint has been filed by Business Finland.

5. Business Finland has filed an application directing the production of documents and scheduling examinations pursuant to bankruptcy rule 2004.

6. My office had notified Ms. Colangelo regarding this and the fact that adversary cases were not covered by my base retainer fee.

7. 3 months ago, Ms. Colangelo advised me that she had a relative or friend that was willing to fund the adversary defense.

8. In the interim I have reviewed over 1500 pages of the state court documents alone with 3 days' worth of transcripts.

9. Additionally, I have reviewed all documents which Ms. Colangelo presented to apposing counsel.

10. On November 3, 2023 Ms. Colangelo wrote a letter to your honor complaining about my handling of her case and continued various disparaging remarks about me.

11. We had a conversion and came to an understanding before this letter was sent to your honor.

12. At this juncture and based upon the November 3, 2023 letter to the court, I am in belied that our enumerate differences will make it impossible for me to represent Ms. Colangelo any further.

13. There has been a clear breakdown in attorney client relation which at this point can not be repaired.

14. No previous request for the relief sought herein has been made to this or any other Court.

15. Because the relief requested is neither novel nor unique, and does not require consideration of authorities other than those cited and discussed herein, Applicant respectfully request that the requirement of Local Bankruptcy Rule 9013-1(b) relating to the submission of any accompanying memorandum of law be waived and dispensed with.

WHEREFORE, Applicant respectfully requests that the Court enter an order authorizing it to withdraw from representation as attorney for the debtor in possession herein; and such other and further relief as this Court may deem just and equitable.

Dated: November 9, 2023
White Plains, NY 10603

Law Offices of Cushner & Associates PC

By: /s/ Todd S. Cushner
Todd S. Cushner (TC 9658)
Attorneys for Debtors
399 Knollwood Road
White Plains, NY 10603
(914) 600-5502